

Message Text

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FM SECSTATE WASHDC

TO USMISSION GENEVA

C O N F I D E N T I A L STATE 219083

FOLLOWING REPEAT USUN NEW YORK 3441 ACTION SECSTATE INFO
BONN 25 AUG 76

QUOTE C O N F I D E N T I A L USUN 3441

E.O. 11652: GDS

TAGS: PFOR, PINS, GW

SUBJECT: FRG INITIATIVE REGARDING HOSTAGES

1. FRG PERMREP VAN WECHMAR CALLED ON AMBASSADOR BENNETT
AUGUST 24 TO INFORM US WHERE FRG STOOD ON THEIR INITIATE. VON
WECHMAR GAVE US COPIES OF DRAFT EXPLANATORY MEMORANDUM AND
ACCOMPANYING RESOLUTION. (MEMORANDUM AND RESOLUTION TRANSMITTED
PARA 3 BELOW.)

2. VON WECHMAR SAID HE WOULD BE DISCUSSING TEXT WITH EC-9 IN
COURSE OF WEEK. VON WECHMAR SAID FRG INCLINED TO SUBMIT
REQUEST FOR ITEM EARLY IN SEPTEMBER. HE SAID THEY WERE
CONDUCTING PRELIMINARY EXPLORATIONS IN ORDER TO DETERMINE
WHETHER TO SEEK AS BROAD CO-SPONSORSHIP AS POSSIBLE OR
GO IT ALONE. THEY WILL PURSUE FORMER COURSE IF THEY
THINK BROAD CO-SPONSORSHIP ACHIEVABLE AND LATTER IF, AS
THEY THINK LIKELY, THEY ABLE ATTRACT ONLY WEO AND A
FEW LA CO-SPONSORS.

3. DRAFT EXPLANATORY MEMORANDUM AND ACCOMPANYING RESOLUTION
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FOLLOWS: QUOTE EXPLANATORY MEMORANDUM

A) IN RECENT YEARS THE NUMBER OF CASES IN WHICH PERSONS WERE TAKEN HOSTAGE, DEPRIVED OF THEIR PERSONAL LIBERTY AND THREATENED WITH DEATH WITH A VIEW TO IMPELLING OTHERS TO DO CERTAIN ACTS AGAINST THEIR WILL HAS ASSUMED FRIGHTENING PROPORTIONS. SUCH ACTS OFTEN AFFECT MORE THAN ONE STATE. THEY ARE FREQUENTLY AIMED AT CURTAILING OR ELIMINATING THE SOVEREIGN FREEDOM OF ACTION OF GOVERNMENTS. IN ALMOST ALL CASES IN WHICH HOSTAGES ARE TAKEN, NOT ONLY THE HOSTAGES BUT ALSO THEIR RELATIVES AND FRIENDS ARE SUBJECTED TO GREAT SUFFERING. IN MANY CASES THE INCIDENT ENDS WITH THE DELIBERATE KILLING OF HOSTAGES. IT IS IN THE NATURE OF SUCH ACTS THAT THEY MAY AT ANY TIME SET OFF AN UNCONTROLLABLE CHAIN OF EVENTS, THREATENING NOT ONLY THE LIVES OF THOSE DIRECTLY INVOLVED BUT THE SECURITY OF MANY OTHER PEOPLE AS WELL AND FREQUENTLY ALSO ENDANGERING INTERNATIONAL PEACE.

B) THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY HAS EXPERIENCED GRAVE CASES OF BLACKMAIL THROUGH THE SEIZURE OF HOSTAGES. FOR EXAMPLE, ON 24 APRIL 1975 THE PERSONNEL OF THE FEDERAL REPUBLIC OF GERMANY'S EMBASSY IN STOCKHOLM WAS TAKEN HOSTAGE BY SIX CRIMINALS WITH THE AIM OF OBTAINING THE RELEASE OF 26 PERSONS WHO WERE SERVING PRISON SENTENCES. TWO OF THE HOSTAGES LOST THEIR LIVES DURING THE INCIDENT.

C) THE PROBLEM IS OBVIOUSLY NOT LIMITED TO THE FEDERAL REPUBLIC OF GERMANY. AS CAN BE SEEN FROM MANY INCIDENTS IN THE PAST, NOBODY IS IMMUNE FROM BEING TAKEN HOSTAGE. EACH INDIVIDUAL, EACH GROUP AND EVEN EACH MEMBER STATE OF THE UNITED NATIONS MAY SUDDENLY BECOME THE TARGET OF BLACKMAIL THROUGH THE SEIZURE OF HOSTAGES. A PARTICULARLY STRIKING EXAMPLE WAS THE INCIDENT IN VIENNA WHERE ON 21 DECEMBER 1975, DURING AN INTERNATIONAL CONFERENCE, 60 PERSONS, INCLUDING MINISTERS AND OTHER HIGH-RANKING DELEGATES FROM 11 COUNTRIES, WERE TAKEN HOSTAGE AND THREATENED. THE DIGNITY AND THE FUNDAMENTAL RIGHTS OF EVERY INDIVIDUAL ARE AMONG THE BASIC VALUES UPHELD BY THE UNITED NATIONS. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS PROCLAIM EVERYONE'S RIGHT TO LIFE, LIBERTY AND SECURITY OF

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PERSON. THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY TRUSTS THAT IN COMPLIANCE WITH THESE PRINCIPLES STATES RECOGNIZE THAT CERTAIN ACTS ARE TOO ABHORRENT AND INHUMAN TO BE UNDERTAKEN BY ANYONE WHATEVER THE CAUSE OR MOTIVE, AND THAT THE TAKING OF INNOCENT HOSTAGES FOR WHATEVER PURPOSE CONSTITUTES SUCH AN ABHORRENT AND INHUMAN ACT WHICH MUST BE DENOUNCED AS ABSOLUTELY INTOLERABLE AND INCOMPATIBLE WITH UNIVERSALLY ACCEPTED STANDARDS OF HUMAN CONDUCT.

INTERNATIONAL CONCERN OVER THE XCEPTIONALLY
REPREHENSIBLE NATURE OF ACTS INVOLVING THE TAKING OF INNO-
CENT HOSTAGES HAS ALREADY FOUND SPECIFIC EXPRESSION IN THE
GENEVA CONVENTION OF 12 AUGUST 1949 RELATIVE TO THE PROTEC-
TION OF CIVILIAN PERSONS, AND IN GENERAL ASSEMBLY RESOLU-
TION 2645 (XXV) OF 25 NOVEMBER 1970 CONDEMNING AERIAL HI-
JACKING OR INTERFERENCE WITH CIVIL AIR TRAVEL.
THE INCREASING NUMBER OF CASES IN WHICH INNOCENT
HOSTAGES ARE TAKEN IS PROOF THAT THE FAMILY OF NATIONS IS
CONFRONTED HERE WITH A PROBLEM OF THE UTMOST IMPORTANCE
AND URGENCY. THEREFORE, THE GENERAL ASSEMBLY AT ITS FORTH-
COMING SESSION SHOULD CONSIDER FURTHER EFFECTIVE MEASURES
TO PUT AN END TO THESE MOST DANGEROUS PRACTICES.
DESIRING TO PROMOTE THE SOLUTION OF THIS PROBLEM
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY INTENDS
TO PROPOSE TO THE GENERAL ASSEMBLY THE DRAFTING AND
ADOPTION, AS A MATTER OF PRIORITY, OF A CONVENTION ON
INTERNATIONAL ACTION AGAINST THE TAKING OF HOSTAGES AND
TO INVITE STATES TO BECOME PARTIES TO SUCH A CONVENTION.
CONSIDERING THAT THE PROGRESSIVE DEVELOPMENT
OF INTERNATIONAL LAW IS ONE OF THE MAIN TASKS OF THE LEBAL
COMMITTEE (6 COMMITTEE), THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY SUGGESTS THAT THE PROPOSED ITEM BE
REFERRED TO THAT COMMITTEE.

DRAFT RESOLUTION
CONCERNING A CONVENTION ON INTERNATIONAL ACTION AGAINST
THE TAKING OF HOSTAGES

THE GENERAL ASSEMBLY,
CONSIDERING THAT THE CODIFICATION AND PROGRESSIVE
DEVELOPMENT OF INTERNATIONAL LAW CONTRIBUTES TO THE
IMPLEMENTATION OF THE PURPOSES AND PRINCIPLES SET FORTH IN ARTICLES
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1 AND 2 OF THE CHARTER OF THE UNITED NATIONS,
CONSIDERING THAT, IN ACCORDANCE WITH THE PRINCIPLES
PROCLAIMED IN THE UNITED NATIONS CHARTER, FREEDOM, JUSTICE
AND PEACE IN THE WORLD ARE FOUNDED ON THE RECOGNITION
OF THE INHERENT DIGNITY AND THE EQUAL AND INALIENABLE RIGHTS
OF ALL MEMBERS OF THE HUMAN FAMILY,
CONSIDERING THAT THESE RIGHTS DERIVE FROM THE INHERENT
DIGNITY OF THE INDIVIDUAL,
HAVING REGARD TO ARTICLE 3 OF THE UNIVERSAL DECLARATION
OF HUMAN RIGHTS AND ARTICLES 6 AND 9 OF THE INTERNATIONAL
COVENANT ON CIVIL AND POLITICAL RIGHTS WHICH PROVIDE THAT
EVERYONE HAS THE RIGHT TO LIFE, LIBERTY AND SECURITY OF
PERSON,
TRUSTING THAT, IN COMPLIANCE WITH THESE PRINCIPLES,
STATES RECOGNIZE THAT CERTAIN ACTS ARE TOO ABHORRENT AND INHUMAN

TO BE UNDERTAKEN OR TOLERATED BY ANYONE WHATEVER THE CAUSE OR MOTIVE,
RECOGNIZING THAT THE TAKING OF INNOCENT HOSTAGES FOR WHATEVER PURPOSES CONSTITUTES SUCH AN ABHORRENT AND INHUMAN ACT, WHICH MUST BE DENOUNCED AS ABSOLUTELY INTOLERABLE AND INCOMPATIBLE WITH UNIVERSALLY ACCEPTED STANDARDS OF HUMAN CONDUCT,
GRAVELY CONCERNED AT THE INCREASE IN THESE INHUMAN ACTS WHICH ENDANGER OR TAKE HUMAN LIVES AND VIOLATE HUMAN DIGNITY,
RECALLING THAT INTERNATIONAL CONCERN OVER THE EXCEPTIONALLY REPREHENSIBLE NATURE OF ACTS INVOLVING THE TAKING OF INNOCENT HOSTAGES HAS ALREADY FOUND SPECIFIC EXPRESSION IN ARTICLES 3 AND 34 OF THE GENEVA CONVENTION OF 12 AUGUST 1949 RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS AND IN GENERAL ASS- EMBLY RESOLUTION 2645 (XXV) OF 25 NOVEMBER 1970 CONDEMNING AERIAL HIJACKING OR INTERFERENCE WITH CIVIL AIR TRAVEL,
RECOGNIZING THE URGENT NEED FOR FURTHER EFFECTIVE MEASURES TO PUT AN END TO ALL ACTS INVOLVING THE TAKING OF INNOCENT HOSTAGES,
MINDFUL OF THE NEED TO CONCLUDE, UNDER AUSPICES OF THE UNITED NATIONS, A CONVENTION ON INTERNATIONAL ACTION AGAINST THE TAKING OF HOSTAGES,
1. CONDEMNS AS ABHORRENT AND INHUMAN THE TAKING OF HOSTAGES WHATEVER THE CAUSE OR MOTIVE,
2. DECIDES TO ESTABLISH A COMMITTEE ON "MEASURES AGAINST THE TAKING OF HOSTAGES" COMPOSED OF 35 MEMBER STATES;
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3. REQUESTS THE PRESIDENT OF THE GENERAL ASSEMBLY, AFTER CONSULTATIONS WITH THE CHAIRMAN OF THE REGIONAL GROUPS, TO APPOINT THE MEMBERS OF THE COMMITTEE ON THE BASIS OF EQUITABLE GEOGRAPHICAL DISTRIBUTION AND REPRESENTING THE PRINCIPAL LEGAL SYSTEMS OF THE WORLD;
4. REQUESTS THE COMMITTEE TO DRAFT AT THE EARLIEST POSSIBLE DATE A CONVENTION ON INTERNATIONAL ACTION AGAINST THE TAKING OF HOSTAGES TO BE SUBMITTED TO THE GENERAL ASS- EMBLY AND GIVING PARTICULAR ATTENTION TO THE PRINCIPLE THAT PERSONS WHO PERPETRATE SUCH ACTS SHOULD BE PROSECUTED AND PUNISHED OR SHOULD BE EXTRADITED FOR THE PURPOSE OF PRO- SECURITION AND PUNISHMENT;
5. AUTHORIZES THE COMMITTEE, IN THE FULFILMENT OF ITS MANDATE, TO ESTABLISH CONTACT WITH AND TO RECEIVE AND CONSIDER SUGGESTIONS AND PROPOSALS FROM ANY STATE AND INTERGOVERNMENTAL ORGANIZATION AND TO CONSULT WITH SCIENTIFIC INSTITUTIONS AND EXPERTS;
6. REQUESTS THE SECRETARY-GENERAL TO AFFORD THE COMMITTEE ANY ASSISTANCE AND PROVIDE IT WITH ALL FACILITIES IT MAY REQUIRE FOR THE PERFORMANCE OF ITS WORK AND TO ASSURE THAT SUMMARY RECORDS ON THE COMMITTEE'S MEETINGS WILL BE DRAWN UP AND SUBMITTED;

7. REQUESTS THE COMMITTEE TO SUBMIT ITS REPORT AND,
IF POSSIBLE, A DRAFT CONVENTION TO THE GENERAL ASS-
SEMBLY IN GOOD TIME FOR CONSIDERATION AT ITS 32ND SESSION
AND REQUESTS THE SECRETARY-GENERAL TO COMMUNICATE THE REPORT
TO THE MEMBER STATES;

8. DECIDES TO INCLUDE THE ITEM ENTITLED "DRAFTING
OF A CONVENTION ON INTERNATIONAL ACTION AGAINST THE TAKING OF
HOSTAGES" IN THE PROVISIONAL AGENDA OF ITS 32ND SESSION.

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